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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,578	06/25/2003	Chih-Ching Hsien	PUSAO 30603	8394
7590	10/28/2004		EXAMINER	
Chih-Ching Hsien 58 MA YUAN WEST ST. TAICHUNG, TAIWAN			DAVIS, OCTAVIA L	
			ART UNIT	PAPER NUMBER
			2855	

DATE MAILED: 10/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/608,578	HSIEN, CHIH-CHING	
	Examiner Octavia Davis	Art Unit 2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 8/9/04.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 4 is/are withdrawn from consideration.
- 5) Claim(s) 3 is/are allowed.
- 6) Claim(s) 1,2 and 5-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1 and 5 – 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Putney.

Regarding claims 1, 7 and 8, Putney discloses a bending beam torque wrench comprising a main body 51 and a strain gauge 46 mounted in the main body, wherein the main body is provided with an opening 56, 57 to enhance flexibility of the main body and to increase deformation of the strain gauge (See Cols. 3 and 4, lines 50 - 62 and 1 – 10) wherein the strain gage 46 is integrally mounted in the opening (See Fig. 4, See Col. 4, lines 6 – 8).

Regarding claims 5 and 6, the opening 56 of the main body has a rectangular shape (See Col. 4, lines 6 – 8).

Regarding claim 9, a cover 70 is directly mounted on the main body in a riveting manner (See Figs. 1 and 2).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Putney in view of Kroll et al.

Regarding claims 2 and 10, Putney discloses all of the limitations of these claims except for a teaching that the opening extends through a longitudinal length of the main body. However, Kroll et al disclose a double ended shear beam load cell 10 comprising a main body 11 that includes a longitudinally extending opening 16 (See Fig. 1, See Col. 2, lines 64 – 69).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Putney according to the teachings of Kroll et al for the purpose of, providing a stress isolation member with minimum thickness allowing strain gauge means to be placed as closely as possible to the neutral axis of the center beam, while maintaining the strength of the overall structure to prevent over bending or breaking (See Kroll et al, See Col. 3, lines 17 – 20).

Allowable Subject Matter

5. Claim 3 is allowed.

Response to Arguments

6. Applicant's arguments with respect to these claims have been considered but are moot in view of the new grounds of rejection.

Conclusion

Art Unit: 2855

Rittman (4,982,612) teaches a torque measuring wrench with electronic means for measuring torque..

Becker et al (4,643,030) teach a torque measuring apparatus.

Becker (6,070,506) teaches a ratcheting electronic torque wrench.

Curry (6,796,190) teaches an electronic torque wrench.

Jenkins (6,276,243) teaches an electromechanical releasing torque wrench.

7. Any inquiry concerning this communication should be directed to Examiner Octavia Davis at telephone number (571) 272 - 2176. The examiner can normally be reached on Monday - Thursdays (9:00 - 5:00), Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz, can be reached on (571) 272 - 2180. The fax phone number for the organization where this application where this application or proceeding is assigned is (703) 872 – 9306.

OD/2855

10/19/04


EDWARD LEFKOWITZ
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